

HOUSE BILL No. 1317

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-6-1.1; IC 8-23-9-54.

Synopsis: Gasoline tax. Increases the gasoline tax to 17 cents per gallon on July 1, 2002, 21 cents per gallon on July 1, 2003, and 25 cents per gallon on July 1, 2004 (the tax rate is currently 15 cents per gallon). Provides that the increased revenue from the increase in the gasoline tax rate is to be deposited in the local road and street account, the motor vehicle highway account, and the state highway fund.

Effective: July 1, 2002.

Liggett, Scholer, Crosby, Saunders

January 15, 2002, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1317

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-6-1.1-201 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 201. A license tax ~~of~~
3 ~~fifteen cents (\$0.15) per gallon~~ is imposed on the use of all gasoline
4 used in Indiana, except as otherwise provided by this chapter. **The rate**
5 **of the tax is:**

6 **(1) seventeen cents (\$0.17) per gallon on gasoline used in**
7 **Indiana after June 30, 2002, and before July 1, 2003;**

8 **(2) twenty-one cents (\$0.21) per gallon on gasoline used in**
9 **Indiana after June 30, 2003, and before July 1, 2004; and**

10 **(3) twenty-five cents (\$0.25) per gallon on gasoline used in**
11 **Indiana after June 30, 2004.**

12 The distributor shall initially pay the tax on the billed gallonage of all
13 gasoline the distributor receives in this state, less any deductions
14 authorized by this chapter. The distributor shall then add the per gallon
15 amount of tax to the selling price of each gallon of gasoline sold in this
16 state and collected from the purchaser so that the ultimate consumer
17 bears the burden of the tax.

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SECTION 2. IC 6-6-1.1-801.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 801.5. (a) The administrator shall transfer ~~one-fifteenth (1/15)~~ **the following amounts** of the taxes that are collected under this chapter to the state highway road construction and improvement fund:

(1) **One seventeenth (1/17) of the taxes that are collected under this chapter after June 30, 2002, and before July 1, 2003.**

(2) **One twenty-first (1/21) of the taxes that are collected under this chapter after June 30, 2003, and before July 1, 2004.**

(3) **One twenty-fifth (1/25) of the taxes that are collected under this chapter after June 30, 2004.**

(b) **The administrator shall transfer the following amounts of the taxes that are collected under this chapter to the local road and street account:**

(1) **Two seventenths (2/17) of the taxes that are collected under this chapter after June 30, 2002, and before July 1, 2003.**

(2) **Two twenty-firsts (2/21) of the taxes that are collected under this chapter after June 30, 2003, and before July 1, 2004.**

(3) **Two twenty-fifths (2/25) of the taxes that are collected under this chapter after June 30, 2004.**

(c) **The administrator shall transfer the following amounts of the taxes that are collected under this chapter to the motor vehicle highway account:**

(1) **Two twenty-firsts (2/21) of the taxes that are collected under this chapter after June 30, 2003, and before July 1, 2004.**

(2) **Six twenty-fifths (6/25) of the taxes that are collected under this chapter after June 30, 2004.**

(d) **The administrator shall transfer the following amounts of the taxes that are collected under this chapter to the state highway fund:**

(1) **Two twenty-firsts (2/21) of the taxes that are collected under this chapter after June 30, 2003, and before July 1, 2004; and**

(2) **Two twenty-fifths (2/25) of the taxes that are collected under this chapter after June 30, 2004.**

~~(b)~~ (e) ~~After the transfer transfers required by subsection~~ **subsections (a) through (d), the administrator shall transfer the next**



twenty-five million dollars (\$25,000,000) of the taxes that are collected under this chapter and received during a period beginning July 1 of a year and ending June 30 of the immediately succeeding year to the auditor of state for distribution in the following manner:

(1) thirty percent (30%) to each of the counties, cities, and towns eligible to receive a distribution from the local road and street account under IC 8-14-2 and in the same proportion among the counties, cities, and towns as funds are distributed under IC 8-14-2-4;

(2) thirty percent (30%) to each of the counties, cities, and towns eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1 and in the same proportion among the counties, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1; and

(3) forty percent (40%) to the Indiana department of transportation.

~~(c)~~ (f) The auditor of state shall hold all amounts of collections received under subsection ~~(b)~~ (e) from the administrator that are made during a particular month and shall distribute all of those amounts pursuant to subsection ~~(b)~~ (e) on the fifth day of the immediately succeeding month.

~~(d)~~ (g) All amounts distributed under subsection ~~(b)~~ (e) may only be used for purposes that money distributed from the motor vehicle highway account may be expended under IC 8-14-1.

SECTION 3. IC 8-23-9-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 54. (a) To provide funds for carrying out the provisions of this chapter, there is created a state highway fund from the following sources:

(1) All money in the general fund to the credit of the state highway account.

(2) All money that is received from the Department of Transportation or other federal agency and known as federal aid.

(3) All money paid into the state treasury to reimburse the state for money paid out of the state highway fund.

(4) All money provided by Indiana law for the construction, maintenance, reconstruction, repair, and control of public highways, as provided under this chapter.

(5) All money that on May 22, 1933, was to be paid into the state highway fund under contemplation of any statute in force as of May 22, 1933.

(6) All money that may at any time be appropriated from the state treasury.

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- 1 (7) Any part of the state highway fund unexpended at the
2 expiration of any fiscal year, which shall remain in the fund and
3 be available for the succeeding years.
4 (8) Any money credited to the state highway fund from the motor
5 vehicle highway account under IC 8-14-1-3(4).
6 (9) Any money credited to the state highway fund from the
7 highway road and street fund under IC 8-14-2-3.
8 (10) Any money credited to the state highway fund under
9 **IC 6-6-1.1-801.5**, IC 6-6-4.1-5, or IC 8-16-1-17.1.
10 (b) All expenses incurred in carrying out this chapter shall be paid
11 out of the state highway fund.

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